

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRI-M GROUP, LLC

Plaintiff,

V.

**THOMAS B. SHARP, SECRETARY,
DELAWARE DEPARTMENT OF
LABOR,**

Defendant.

Civil Action No. 06-556-KAJ

**DEFENDANT THOMAS B. SHARP, SECRETARY, DELAWARE
DEPARTMENT OF LABOR’S MOTION TO DISMISS COMPLAINT**

Defendant Thomas B. Sharp, Secretary, Delaware Department of Labor (“State Defendant”), by and through his counsel, hereby moves this Honorable Court to enter an Order dismissing Plaintiff’s Complaint with prejudice, pursuant to Fed.R Civ.P. 12(b)(1) and 12(b)(6), for the reasons set forth in the accompanying State Defendant’s Opening Brief in Support of Motion to Dismiss.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

BY: /s/ Linda M. Carmichael
Linda M. Carmichael, I.D. #3570
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Counsel for State Defendant

DATED: October 27, 2006

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TRI-M GROUP, LLC

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V.

**THOMAS B. SHARP, SECRETARY,
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Defendant.

Civil Action No. 06-556-KAJ

ORDER

At Wilmington, Delaware, this _____ day of _____, 2006,

IT IS SO ORDERED that Plaintiff's Complaint against Defendant Thomas B. Sharp, Secretary Delaware Department of Labor, is dismissed with prejudice for the reasons stated in the attached Motion to Dismiss and State Defendant's Opening Brief in Support of his Motion to Dismiss.

United States District Court Judge
Kent A. Jordan

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2006, I caused to be electronically filed Defendant Thomas B. Sharp, Secretary Delaware Department of Labor's Motion to Dismiss with the Clerk of the Court using CM/ECF. In addition, two copies were sent via U.S. Mail to the following:

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